

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN J. SARSFIELD

CASE NO. C-07-2528 JF

Plaintiff,

v.

COUNTY OF SAN BENITO, JAIME DE LA CRUZ, in his official capacity, REB MONACO, in his official capacity, ANTHONY BOTELHO, in his official capacity, DON MARCUS, in his official capacity, and DOES 1 through 10, inclusive,

Defendants.

STIPULATION AND ORDER OF DISMISSAL

This Stipulation and Order of Dismissal is entered into between Plaintiff JOHN J. SARSFIELD, by and through his attorney, Terence O. Mayo of the law firm of Mayo & Mayo, and Defendants COUNTY OF SAN BENITO, JAIME DE LA CRUZ, REB MONACO, ANTHONY BOTELHO, and DON MARCUS, by and through their attorney, Stephan A. Barber of the law firm of Ropers, Majeski, Kohn & Bentley, as follows:

- 25 1. Plaintiff's Complaint is dismissed with prejudice;
- 26 2. Plaintiff and Defendants each bear his/its own attorney's fees and costs incurred to prosecute or defend this action;

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1 3. Defendants withdraw with prejudice their pending motion for an award of
2 attorney's fees.

3 Dated: November 3, 2010

MAYO & MAYO

4 By:

5 TERENCE O. MAYO
6 Attorneys for Plaintiff

7 Dated: November 3, 2010

8 ROPERS, MAJESKI, KOHN & BENTLEY

9 By:

10 STEPHAN A. BARBER
11 Attorneys for Defendants

12 **ORDER OF THE COURT**

13 The Court accepts the above stipulation of counsel for Plaintiff and Defendants.
14 Defendants' pending motion for an award of attorney's fees is taken off calendar as moot.
15 Plaintiff's Complaint is dismissed with prejudice. Each party will bear his/its own
16 attorney's fees and costs.

17 Dated: 11/5/10

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19 HONORABLE JEREMY FOGEL
20 Judge, United States District Court

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